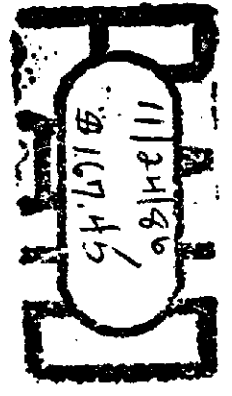


MAP SEHC  
4A  
E. D. 12  
DATE 12-20-87  
200  
1000  
DP

Norman Stone  
288-5270



85-143-SPHA  
471

85-143-SPHA  
471

# PETITION FOR SPECIAL HEARING 85-143-SPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of three dwellings (two separate tax accounts) on one lot (if applicable); or two dwellings on one lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.:

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of November, 1987, at 10:45 o'clock A.M.

By *Cal Johnson*  
Zoning Commissioner of Baltimore County.

# PETITION FOR ZONING VARIANCE 85-143-SPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (1) 1802.3C.1 to permit lot widths of 50' in lieu of the required 55' (if applicable), to allow minimum rear yard setback of 1' in lieu of required 30', and minimum side yard setbacks of 1' in lieu of the required 10', and to allow existing front yard setback of 12' in lieu of the maximum required average setback of 40'.

(2) Section 102.2 (if applicable) to allow a distance between buildings on the same lot of 13 1/2 feet instead of the required 20 feet and 20' in lieu of the required 55' of the Zoning Regulations of Baltimore County, and the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To legalize existing setbacks and lot widths. Two of the three buildings have stood for a minimum of 44 years; the other has stood for a minimum of 20 years.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.:

ORDERED BY The Zoning Commissioner of Baltimore County, this 18th day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of November, 1987, at 10:45 o'clock A.M.

By *Cal Johnson*  
Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JADON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

November 24, 1986

Norman R. Stone, Jr., Esquire  
6905 Dunmanway  
Dundalk, Maryland 21222

RE: Petition for Special Hearing and Variance, E/S Evergreen Road, 140' S of the c/l of Bear Creek Drive (1701 & 1703 Evergreen Drive) 12th Election District Case No. 85-143-SPHA

Dear Mr. Stone:

Enclosed please find a copy of the decision rendered on the above referenced Petition. Your request for a Special Hearing and Variance has been Granted, subject to the restrictions noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
JEAN M. H. JUNG  
Deputy Zoning Commissioner

JMHJ:bjs

Attachments

cc: Mr. Leroy Batton  
8300 Orchard Drive  
Baltimore, Maryland 21222

People's Counsel

IN RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE E/S Evergreen Rd., 140' S of the c/l of Bear Creek Dr. (1701 & 1703 Evergreen Dr.) 12th Election District John L. Butler, Jr. et ux, Petitioners

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 85-143-SPHA

The Petitioners herein request a special hearing to determine whether or not approval should be granted for the non-conforming use of three dwellings on one lot or two dwellings on one lot, and additionally, variances to permit lot widths of 50 feet in lieu of the required 55 feet, a minimum rear yard setback of 1 foot in lieu of the required 30 feet, minimum side yard setbacks of 1 and 1/2 feet in lieu of the required 10 feet, a front yard setback of 12 feet in lieu of the maximum required average setback of 40 feet, and a distance between buildings on the same lot of 13 and 1/2 feet in lieu of the required 20 feet and 39 feet in lieu of the required 55 feet.

At the onset of the hearing, Counsel for the Petitioner moved that the subject petition be amended to request the non-conforming use of two dwellings on one lot on the property identified as 1701 Evergreen Drive, variances to permit lot widths of 50 feet for both 1701 and 1703 Evergreen Drive, and additionally, variances to permit a minimum rear yard setback of 1 foot in lieu of the required 30 feet, and a minimum side yard setback of 1 and 1/2 feet in lieu of the required 10 feet for the property identified as 1703 Evergreen Drive. The motion was granted.

Testimony by the Petitioner indicated that the site includes four lots identified as 1701 and 1703 Evergreen Drive. At the present time, there are two dwellings at 1701 Evergreen Drive, one in the front and one in the rear, and one dwelling in the rear portion of 1703 Evergreen Drive. The Petitioner moved into the residence in the front of 1701 Evergreen Drive in 1939 and bought both 1701 and 1703 Evergreen Drive in 1945. In 1939 the front dwelling at 1701 Evergreen

Drive was 24' x 36'. Alteration permits (Petitioner's Exhibit 2) indicated that the rear kitchen was added in 1945 and the house was raised 40 inches in 1949. A free-standing patio was enclosed sometime after April 1949. The Petitioner continues to live in this dwelling. In 1939, the building to the rear of the property at 1701 was a two-story, 18' x 20' structure with no electricity or plumbing. The lower level was used as a workshop. An alteration permit indicates that there was an 18' x 20' addition in 1947 at which time a four-room dwelling unit was installed on the upper level and laundry room on the lower level. It has been rented continuously since 1947. In 1939 and 1945, there was no structure at 1703 Evergreen Drive. Sometime prior to 1964, a 16' x 20' prefabricated, corrugated, one-story building with regular doors was placed in the southeast corner of this lot. During 1964, the building was doubled in size from 16' to 32' along the eastern property line. The Petitioner never saw a permit for the addition, but was able to provide a stop work order, dated June 10, 1964 (Petitioner's Exhibit 5), issued on the project. Sometime after 1964 the building was extended 8 feet to 12 feet toward the west to its present 32-foot depth. The Petitioner has no knowledge of a permit for this addition. In 1980, a 12-foot square bedroom area was added on the north side. The Petitioner testified that this was done without a permit. The Petitioner is willing to have the heating and electrical systems, as well as the fireplace installation, inspected and approved by Baltimore County.

An adjacent neighbor testified in protest to the variances requested for 1703 Evergreen Drive. His testimony indicated that he has been familiar with the property since 1954 and lived on the adjacent lot since 1974. Additions to the structure have taken place through the years, but most recently within the last ten years. He has never seen a permit displayed for any of the additions. The greatest concerns relate to potential fire hazards emanating from electrical work, the kitchen, or fireplace, and he would like to be assured that the

property has been inspected and approved or the use of the building as a residence ceased.

Pursuant to the advertisement, posting of property, and public hearing on the subject Petition and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special hearing and variances would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24th day of November 1986, that the herein request for a special hearing to approve the non-conforming use of two dwellings on one lot on the property identified as 1701 Evergreen Drive, and additionally, variances to permit lot widths of 50 feet for both 1701 and 1703 Evergreen Drive, and a minimum rear yard setback of 1 foot and a minimum side yard setback of 1 and 1/2 feet for 1703 Evergreen Drive, be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

- 1) A plan reflecting the exact size and position of all buildings on both 1701 and 1703 Evergreen Drive shall be drawn and sealed by a registered engineer and submitted to the Deputy Zoning Commissioner within 180 days for consistency with the testimony given.
- 2) Prior to any further construction, the owner must establish that the improvement is allowed by the BCZR in effect at that time and obtain the appropriate building permits as required.
- 3) When the house at 1703 is replaced, or that portion of the property (lots 421 and 426) transferred, any structures on the site shall be located in accordance with the current BCZR.

By *Jean M.H. Jung*  
Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL HEARING AND ZONING VARIANCE E/S Evergreen Rd., 140' S of the Centerline of Bear Creek Dr. (1701 & 1703 Evergreen Dr.), 12th District John L. Butler, Jr., et ux, Petitioners

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 85-143-SPHA

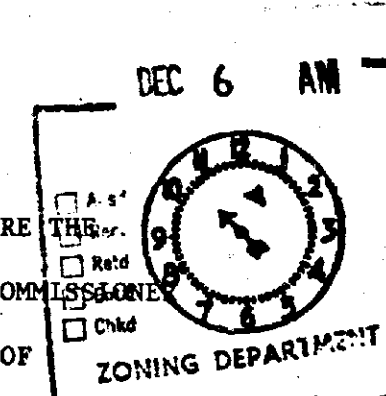
MEMORANDUM OF LAW

I. BRIEF SUMMARY OF FACTS

Petitioners are owners of 1701 Evergreen Road, which contains two single-family dwellings, and 1703 Evergreen Road, which contains one single-family dwelling. Zoning enforcement action was brought against Petitioners in 1984 due to lack of adequate setbacks. Petitioners filed this action, requesting variances and the recognition of non-conforming use status where applicable, and the enforcement action was stayed pending decision on the Petitions.

Hearing on the Petitions was held on November 19, 1985, before Jean Jung, Deputy Zoning Commissioner for Baltimore County. At the hearing, the following evidence was adduced:

- A. The front house on 1701 Evergreen was built prior to 1945 and has been occupied by Petitioners. All additions and alterations were made by permit.
- B. The rear house on 1701 Evergreen was originally a storage building; it was built prior to 1945 but was converted to a dwelling sometime thereafter.
- C. The dwelling on 1703 Evergreen was constructed in 1964-1965, and is occupied by Petitioners' son. Both lots and all dwellings are owned by Petitioners.
- D. John Butler, Petitioner, presented testimony of his age and poor health (heart condition).



FEB 24 1987



Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

F. The enforcement action was brought pursuant to a complaint by a neighbor, Mr. Batton, who admitted that he made the complaint following a complaint made by Mr. Butler against Mr. Batton. Mr. Batton stated that Petitioners' property is well-maintained. No other complaints against Petitioners' property have been made; there were no other protests at the hearing.

Following the taking of testimony, the Deputy Commissioner requested Petitioners to submit a memorandum addressing the relief requested.

#### II. NON-CONFORMING USE

On the evidence before the Commission, Petitioners concede that they have not established non-conforming use status for the 1703 Evergreen Road property, and for the 1701 Evergreen Road, rear dwelling. Therefore, the argument below is intended to apply to the front dwelling on 1701 Evergreen Road.

The dwelling in question was originally constructed prior to the enactment of the Baltimore County Zoning Regulations. Any alterations thereafter made were made by permit, with the approval of Baltimore County. The structure has been continually used as a residence since its construction.

Maryland law recognizes that a lawful use of one's property may not thereafter be declared unlawful by the adoption of zoning regulations. Roach v. Board of Zoning Appeals, 175 Md. 1, 199 A. 812 (1938); Amereihn v. Kotras, 194 Md. 591, 71 A.2d 865 (1950), Baltimore County Zoning Regulations, §104. The purpose of allowing continuation of non-conforming uses is to prevent undue hardship (see below discussion of requested variances concerning hardship shown). Arundel Corporation v. Board of Zoning Appeals of Howard County, 255 Md. 78, 257 A.2d 142 (1969). Petitioners contend that

they have shown a continual use of the residence dating from prior to 1945, that all alterations were made with Baltimore County approval, and that denial of the relief requested would cause undue hardship, as discussed below.

A non-conforming use may be lost by abandonment, Vogl v. City of Baltimore, 228 Md. 283, 179 A.2d 692 (1962), but such is not the case here.

#### III. REQUESTED VARIANCES

A. Here, Petitioners address primarily the variances requested for 1701 Rear Building and 1703; however, our argument is also meant to apply to 1701 Front Building should it be decided that a non-conforming use status has not been established for this property.

B. STANDARD: The case of McLean v. Soley, 270 Md. 208, 310 A.2d 783 (1973) adopts the threefold standard laid out in 2 Rathkoph, The Law of Zoning and Planning, (3rd Ed. 1972), for determining whether a Petitioner has established a showing of "practical difficulty", which the Court indicates must be established in order to support a Petition for an area variance. Each of the three prongs will be addressed below, and will be applied to the evidence before the Commission in the instant Petition.

1. Whether compliance with the strict letter of the restrictions... would render conformity with such restrictions unreasonably burdensome.

Since compliance in this case can be accomplished only by tearing down the residences, conformity would be rendered unreasonably burdensome. In fact, conformity could not possibly be more burdensome.

One of the residences in question has stood for 20 years; the other two have existed for a much longer period of time. They are occupied by members of Petitioners' family. To require strict compliance would be tantamount to evicting the long-time residents of the structures, including Petitioners, one of whom has a bad heart, and both of whom are approaching their later years.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property applied for and be more consistent with justice to other property owners.

A lesser relaxation than that applied for would not give substantial relief to the Petitioners. The grant of the variances requested would do substantial justice to all concerned.

As previously stated, the structures have stood in their present form for many years. Until the Protestants, Mr. Batton, complained to the enforcement officials, there were no complaints concerning the structures. No previous actions have been taken against the Petitioners. There were no other protests at the hearing, although the property was duly posted. No one complained except for Mr. Batton, and his complaint was admittedly prompted by a complaint filed by Petitioner John Butler against him.

The structures are aesthetically pleasing, and, in fact, are similar to others found in the neighborhood. In fact, as alluded to in Petitioners' testimony, much of the neighborhood may well be non-conforming. In short, granting the variances are requested, subject to certain conditions as discussed below, is the only way to do substantial justice to all parties.

3. Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Baltimore County is divided into zones and districts "for the purpose of promoting health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community...." Baltimore County Zoning Regulations, §100.1(A)(1). This statement of purpose reflects the spirit of the regulations, i.e., to insure that each property owner is entitled to the beneficial use and enjoyment of his or her property, with due regard to the rights of other neighboring property owners.

Petitioners' property is well-maintained, and fits in comfortably with the surrounding neighborhood. It is not a health hazard, and does not adversely affect the neighboring landowners' security, comfort, convenience, or prosperity, as attested to by the fact that Mr. Batton's complaint is the sole complaint. There were no other protests at the hearing. Because of the age of the neighborhood, the goal of orderly development is not an issue in these Petitions. In short, a grant of the relief requested would be in observance of the spirit of zoning regulations, and would not adversely affect the public safety and welfare.

C. CONDITIONS: In Montgomery County v. Mossburg, 228 Md. 555, 180 A.2d 851 (1962), Mossburg sought a special exception for the enlargement of a non-conforming use in a residential zone. The County Board of Appeals granted the exception conditioned on Mossburg's closing his restaurant at 11:00 p.m. and on clearing and barring access to the parking lot by 11:15 p.m. The Circuit Court, on appeal

by Mossburg, granted the exception without condition. The Court of Appeals reversed, stating that the conditions were appropriate because they were designed to insure that the use would be compatible with the neighborhood, and not be a nuisance to the neighborhood. That the conditions were warranted was attested to by the vigorous protests by many area residents against the expansion of the non-conforming use. In light of these protests, the Court found that the conditions attached to the enlargement of the non-conforming use were reasonable.

The instant case is in sharp contrast to Mossburg. Here, there was no public outcry against the relief requested. Petitioners are not requesting an expansion of an existing use; they are, rather, asking that the setbacks which have existed for many years be legitimized; that property which has been allowed by the County and State to stand for this length of time not suddenly become subject to zoning enforcement action due to the complaint of one citizen, who, while his motive complaining is understandable, is not protesting on the basis that Petitioners' property is in any way a nuisance to the neighborhood. Therefore, Petitioners respectfully submit that any conditions placed on the grant of the variance should be reasonable, and should further the purpose of neighborhood safety and welfare. They should not be attached merely to insure compliance with the letter of the law, or as a punitive measure.

#### IV. CONCLUSION

Petitioners do not request an expansion of their existing use of the property. Their case is unique in that they are merely asking

for the Commission to legitimize the setbacks which have existed for many years. Petitioners contend that they have given the Commission ample reason to grant their requests, and do not object to reasonable conditions being attached which will further neighborhood safety and welfare.

Respectfully submitted,  
*Norman R. Stone, Jr.*  
Norman R. Stone, Jr.

#### Certificate of Service

I HEREBY CERTIFY, That on this 22nd day of March, 1985, a copy of the foregoing Memorandum of Law was forwarded to the People's Counsel, Room 223, Court House, Towson, Maryland, 21204; and to Jack L. Hardwick, Esquire, 15 Guilford Avenue, Baltimore, Maryland, 21202.

*Norman R. Stone, Jr.*  
Norman R. Stone, Jr.  
HOWARD AND STONE  
6905 DUNMAREWAY  
DUNDALK, MARYLAND 21222  
Telephone: 284-2860  
288-5270  
Attorneys for Petitioners



JOHN L. BUTLER and AUGUSTA E. BUTLER  
Petitioners for Variance and Special Hearing

DESCRIPTION OF PROPERTY:

Located on the east side of Evergreen Road, 140' south of the center line of Bear Creek Drive, known as lots nos. 426-429 on the plat of Rosewald Beach, which plat is recorded in the Land Records of Baltimore County in Plat Book 10, folio 88, also known as 1701 and 1703 Evergreen Drive.

PETITION FOR SPECIAL HEARING AND VARIANCES  
12th Election District

LOCATION: East side of Evergreen Road, 140 feet south of the centerline of Bear Creek Drive (1701 and 1703 Evergreen Drive)  
DATE AND TIME: Tuesday, November 19, 1985 at 11:00 a.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of three dwellings (two separate tax accounts) on one lot (if applicable); or two dwellings on one lot; and Variances to permit lot widths of 50 feet in lieu of the required 55 feet (if applicable), to allow minimum rear yard setbacks of 1 foot in lieu of the required 3 feet and minimum side yard setbacks of 1.5 feet in lieu of the required 10 feet, to allow existing front yard setback of 12 feet in lieu of the maximum required average setback of 40 feet and (if applicable) to allow a distance between buildings on the same lot of 13.5 feet instead of the required 20 feet and 39 feet in lieu of the required 55 feet.

Being the property of John L. Butler, Jr., et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
PETITION FOR VARIANCES : OF BALTIMORE COUNTY  
E/S of Evergreen Rd., 140' :  
S of the Centerline of Bear :  
Creek Dr. (1701 & 1703 Evergreen Dr.), 12th District :  
JOHN L. BUTLER, JR., et ux, : Case No. 85-143-SPHA  
Petitioners :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-entitled matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 29th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Norman R. Stone, Jr., Esquire, 6905 Dunmarway, Dundalk, MD 21222, Attorney for Petitioners.

*Peter Max Zimmerman*  
Peter Max Zimmerman

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3333

ARNOLD JABLON  
ZONING COMMISSIONER

November 14, 1985

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

Norman R. Stone, Jr. Esquire  
6905 Dunmarway  
Dundalk, Maryland 21222

RE: Petition for Special Hearing & Variances  
E/S Evergreen Rd., 140' S of the C/L  
Bear Creek Dr. (1701 & 1703 Evergreen Dr.)  
12th Election District  
John L. Butler, Jr., et ux, Petitioners  
Case No. 85-143-SPHA

Dear Mr. Stone:

This is to advise you that \$95.95 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by the hearing itself.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 025631  
DATE: 11/24/85 ACCOUNT: R-01-615-000  
RECEIVED FROM: Mr. John L. Butler, 1701 Evergreen Dr., Baltimore, Md. 21222  
AMOUNT: \$ 157.45  
ADVERTISING & POSTING COSTS RE CASE #85-143-SPHA  
FOR: 8 8241\*\*\*\*\*107413 22448  
VALIDATION OR SIGNATURE OF CASHIER

ore County, Maryland, and remit  
ilding, Towson, Maryland

CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

38 N. Dundalk Ave.  
Dundalk, Md. 21222

October 31, 1985

THIS IS TO CERTIFY, that the annexed advertisement of Zoning office of Baltimore County was inserted in *The Dundalk Eagle* a weekly newspaper published in Baltimore County, Maryland, once a week before the 1st day of November 1985; that is to say, the same was inserted in the issues of

October 31, 1985

Kimbel Publication, Inc.

per Publisher.

By *Kimbel E. Celke*

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 31, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 31, 1985

THE JEFFERSONIAN,

*JB Venetuk*

Publisher

Cost of Advertising  
35.75

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 1, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 1, 1985

THE JEFFERSONIAN,

*JB Venetuk*

Publisher

Cost of Advertising 28.00

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 11/15/85  
Posted for: Special Hearing & Variance  
Petitioner: John L. Butler, Jr. et ux  
Location of property: E/S Evergreen Rd., 140' S of Bear Creek Drive  
1701 & 1703 Evergreen Dr., 12222  
Location of Signs: Rm. 106, County Office Building, 111 W. Chesapeake Ave., Towson, Md. 21204  
Remarks: By *Arnold Jablon*  
Posted by: *Arnold Jablon* Date of return: 11/15/85  
Number of Signs: 3

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 11/15/85  
Posted for: Special Hearing & Variance  
Petitioner: John L. Butler, Jr. et ux  
Location of property: E/S Evergreen Rd., 140' S of Bear Creek Drive  
1701 & 1703 Evergreen Drive  
Location of Signs: Rm. 106, County Office Building, 111 W. Chesapeake Ave., Towson, Md. 21204  
Remarks: By *Arnold Jablon*  
Posted by: *Arnold Jablon* Date of return: 11/15/85  
Number of Signs: 3

LEGAL NOTICE

Notice for Special Hearing and Variances

Location: East side of Evergreen Road, 140 feet south of the centerline of Bear Creek Drive (1701 and 1703 Evergreen Drive)

Date and Time: Tuesday, November 19, 1985 at 11:00 a.m.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the non-conforming use of three dwellings (two separate tax accounts) on one lot (if applicable); or two dwellings on one lot; and Variances to permit lot widths of 50 feet in lieu of the required 55 feet (if applicable), to allow minimum rear yard setbacks of 1 foot in lieu of the required 3 feet and minimum side yard setbacks of 1.5 feet in lieu of the required 10 feet, to allow existing front yard setback of 12 feet in lieu of the maximum required average setback of 40 feet and (if applicable) to allow a distance between buildings on the same lot of 13.5 feet instead of the required 20 feet and 39 feet in lieu of the required 55 feet.

Being the property of John L. Butler, Jr., et ux, as shown on plat plan filed with the Zoning Office.

In the event that these Petitions are granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order of  
ARNOLD JABLON  
Zoning Commissioner  
of Baltimore County

10232



October 18, 1985

Norman R. Stone, Jr., Esquire  
6905 Dunmanway  
Dundalk, Maryland 21222

**NOTICE OF HEARING**  
RE: Petition for Special Hearing and  
Variances  
R/S Evergreen Road, 140' S of c/1  
of Bear Creek Dr. (1701 & 1703 Evergreen Dr.)  
John L. Butler, Jr. - Petitioner  
Case No. 85-143-SPH

TIME: 10:45 a.m.  
DATE: Monday, November 19, 1984  
PLACE: Room 106, County Office Building, 111 West Chesapeake

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 133263

DATE: 9-7-84 ACCOUNT: 01-615-000  
AMOUNT: 35.00  
RECEIVED: Norman R. Stone, Jr. 35.00 SPH  
FOR: E.L. R. Co. 70.00 Total  
#71

6 038\*\*\*\*\*706018 4074F

VALIDATION OR SIGNATURE OF CASHIER  
cc: Mr. Leroy Batton  
8300 Orchard Drive  
Baltimore, Maryland 21222

October 18, 1985

Norman R. Stone, Jr., Esquire  
6905 Dunmanway  
Dundalk, Maryland 21222

**NOTICE OF HEARING**  
RE: PETITIONS FOR SPECIAL HEARING &  
VARIANCES  
E/S Evergreen Rd., 140' S of the c/1  
of Bear Creek Dr. (1701 & 1703 Evergreen Dr.)  
John L. Butler, Jr. et al, Petitioners  
Case No. 85-143-SPH

TIME: 11:00 a.m.  
DATE: Tuesday, November 19, 1985  
PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

cc: Jack L. Hardwick, Esquire  
15 Galford Avenue  
Baltimore, Maryland 21202  
Mr. L. Leroy Batton  
8300 Orchard Drive  
Dundalk, Maryland 21222

OFFICE OF FINANCE  
BALTIMORE COUNTY, MARYLAND  
STATE AND COUNTY REAL PROPERTY TAXES

JULY 1, 1983-JUNE 30, 1984

PROPERTY NUMBER: 12-02-085076  
OWNER: BUTLER, JOHN L. JR.  
ADDRESS: 1701 EVERGREEN DR.  
BALTIMORE MD 21222

ASSESSMENT: 2,780  
COUNTY TAX: 2.58  
STATE TAX: 2.21  
METROPOLITAN DISTRICT CHARGES: 28.50

GROSS BILL: 277.46

**PETITIONER'S EXHIBIT**

ROSEWALD BEACH  
1701 EVERGREEN DRIVE

OFFICE OF FINANCE  
BALTIMORE COUNTY, MARYLAND  
STATE AND COUNTY REAL PROPERTY TAXES

JULY 1, 1983-JUNE 30, 1984

PROPERTY NUMBER: 12-02-085075  
OWNER: BUTLER, AUGUSTA E.  
ADDRESS: 1701 EVERGREEN DR.  
BALTIMORE MD 21222

ASSESSMENT: 2,780  
COUNTY TAX: 2.58  
STATE TAX: 2.21  
METROPOLITAN DISTRICT CHARGES: 28.50

GROSS BILL: 277.46

**PETITIONER'S EXHIBIT**

ROSEWALD BEACH  
1701 EVERGREEN DRIVE

**ALTERATION PERMIT**

COUNTY COMMISSIONERS OF BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
Office of the Buildings Engineer

No. 2794  
District 12th  
Date Jan. 20, 1947

This Alteration Permit is hereby Granted To  
John L. Butler, Jr., 1701 Evergreen Dr., 22

To Make The Following Alterations:  
Location: 1701 Evergreen Dr. R.S. 150' S of Bear Creek Dr.  
Use of Building: 1-fam. dwelling  
Size of Building: Front 18 ft. Depth 20 ft. Height 20 ft.  
Character of Construction: CONCR. BLOCK, FRAME WALLS, ASPHALT ROOF  
Complete Description of Alterations: Addition to S.S. of present building 10 x 20

Issued By The Buildings Engineer  
Per Raymond L. Smith  
Date Jan. 20, 1947

Fee Paid \$ 2.00

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same.

**PETITIONER'S EXHIBIT**

NOTICE OF ASSESSMENT

1703  
Evergreen

2

38925

DISTRICT: 12 PROPERTY NUMBER: 12-02-085076 MAP: 104 BLOCK: 13 PARCEL: 07584 CARD NUMBER: 1389 CLASSIFICATION: RESIDENTIAL

PROPERTY DESCRIPTION AND LOCATION  
ROSEWALD BEACH  
1701 EVERGREEN DRIVE  
BALTIMORE, MD 21222

12-02-085076 29 38925  
BUTLER, JOHN L. JR.  
BUTLER, AUGUSTA E.  
1701 EVERGREEN DR.  
BALTIMORE, MD 21222

**PETITIONER'S EXHIBIT**

NOTICE OF ASSESSMENT

1701  
Evergreen

2

38926

DISTRICT: 12 PROPERTY NUMBER: 12-02-085075 MAP: 104 BLOCK: 13 PARCEL: 07585 CARD NUMBER: 1389 CLASSIFICATION: RESIDENTIAL

PROPERTY DESCRIPTION AND LOCATION  
ROSEWALD BEACH  
1701 EVERGREEN DRIVE  
BALTIMORE, MD 21222

12-02-085075 29 38926  
BUTLER, JOHN L. JR.  
BUTLER, AUGUSTA E.  
1701 EVERGREEN DR.  
BALTIMORE, MD 21222

**PETITIONER'S EXHIBIT**

**ALTERATION PERMIT**

COUNTY COMMISSIONERS OF BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
Office of the Buildings Engineer

No. 5214  
District 12  
Date April 21, 1942

This Alteration Permit is hereby Granted To  
John Louis Butler Jr., 1701 Evergreen Drive, Balto. 22 Md.

To Make The Following Alterations:  
Location: 1701 Evergreen Drive R.S.  
Use of Building: Dwelling  
Size of Building: Front 36 ft. Depth 36 ft. Height 20 ft.  
Character of Construction: CONCR. BLOCK, FRAME WALLS, ASPHALT ROOF  
Complete Description of Alterations: Raise house 40' - (concrete block)

Issued By The Buildings Engineer  
Per Raymond L. Smith  
Date April 21, 1942

Fee Paid \$ 2.00

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same.

**PETITIONER'S EXHIBIT**

**ALTERATION PERMIT**

COUNTY COMMISSIONERS OF BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
Office of the Buildings Engineer

No. 1650  
District 12th  
Date Nov. 21, 1945

This Alteration Permit is hereby Granted To  
J. Butler, Jr., 1701 Evergreen Dr., Balto. 22, Md.

To Make The Following Alterations:  
Location: 1701 Evergreen Dr. R.S. 175' S of Bear Creek Dr.  
Use of Building: 1-fam. dwelling  
Size of Building: Front 34 ft. Depth 25 ft. Height 20 ft.  
Character of Construction: CONCR. BLOCK, FRAME WALLS, ASPHALT ROOF  
Complete Description of Alterations: Extension to rear to enlarge present kitchen

Issued By The Buildings Engineer  
Per Raymond L. Smith  
Date Nov. 21, 1945

Fee Paid \$ 2.00

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same. Upon completion, application shall be made to the Buildings Engineer for a Certificate of Occupancy.

**PETITIONER'S EXHIBIT**

**THIS AGREEMENT** made in duplicate this 14 day  
of July, 1941 by and between ERNEST T. NEWELL and ANNIE L. NEWELL, by  
ERNEST T. NEWELL, her attorney-in-fact, both of the  
City of Baltimore, State of Maryland, part 1st of the first  
part and JOHN L. BUTLER and AUGUSTA E. BUTLER, his wife  
part 1st of the second part;

**WITNESSETH**, That the said part 1st of the first part  
do let unto the part 1st of the second part for the term of  
three years, beginning on the first day of July, 1941 or until  
default shall be made by the said part 1st of the second part  
in the performance of any covenant or condition of this  
Agreement, the two (2) lots of ground designated as Lots Nos. 428 and  
489 on plat of Rosewald Beach in Baltimore County  
which said plat is recorded among the Plat Records of Baltimore  
County in Liber L.M.L. No. 109 folio 88; Improvements known  
as 1701 Evergreen Drive subject to the covenants and restric-  
tions as hereinafter set forth at and for the rental of thirty (\$30)  
Dollars per month, payable in advance on the first day  
of each month for the first year and at and for the rental of  
thirty (\$30.) Dollars per month payable in advance on the first  
day of each and every month, for the remainder of said term.

The said part 1st of the second part covenant to make  
payments as herein specified and to keep the premises in good  
order and condition and to use the property only for the purpose  
of a dwelling house.

All repairs to said property to be made at the expense  
of the part 1st of the second part.

**IT IS FURTHER AGREED** that the part 1st of the first  
part at any time after default made by the part 1st of the  
second part in the performance of any covenants or conditions  
of this Agreement, shall have the right to terminate the tenancy  
hereby created, with all the privileges of this Agreement,  
by a written notice served upon the tenants or left on said  
premises, thirty days before the day named therein to end such  
tenancy.



IT IS ALSO AGREED AND UNDERSTOOD that all said restrictions shall run with and bind the land and all subsequent owners thereof.

IT IS ALSO AGREED AND UNDERSTOOD that the part<sup>ies</sup> of the first part reserve the right to make such reasonable changes as they may desire in said restrictions at any time.

Taxes and other charges to be paid or allowed for by the part<sup>ies</sup> of the first part to date of this Agreement. Time is the essence of this Agreement.

IT IS ALSO FURTHER AGREED AND UNDERSTOOD that the part<sup>ies</sup> of the first part also reserve the right to obtain a building association mortgage or mortgages for the part<sup>ies</sup> of the second part on the aforesaid premises, at the full expense of the part<sup>ies</sup> of the second part but without any charge for commission or bonus on which payments are to be made on the principal, interest and expense account, and such mortgage is to be the usual building association terms.

WITNESS the hands and seals of the parties hereto:

*Ernest T. Newell*  
a.k.a. E.T.N.

*H. Miller*

TEST:

*Ernest T. Newell* (SEAL)  
ERNEST T. NEWELL

*Ernest T. Newell* (SEAL)  
ERNEST T. NEWELL, Attorney-in-Fact for  
ARNOLD L. NEWELL

*John L. Butler* (SEAL)  
JOHN L. BUTLER

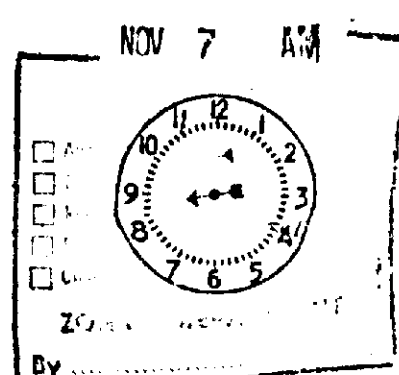
*Augusta E. Butler* (SEAL)  
AUGUSTA E. BUTLER

LAW OFFICES  
HOWARD AND STONE  
PROFESSIONAL BUILDING  
6905 DUNMANWAY  
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD  
NORMAN R. STONE, JR.  
NORMAN R. STONE, III

TELEPHONES:  
(301) 284-2860  
(301) 288-5270

November 6, 1985



Office of the Zoning Commissioner  
Room 109  
County Office Building  
Towson, Maryland 21204

ATTENTION: HEARING DIVISION

RE: Case No. 85-143-SPH  
Petitioners: John L. Butler, et ux  
Hearing Date: 11/19/85; 11:00 a.m.

Dear Sir or Madam:

Please issue the enclosed Subpoena to Testify and Subpoena Duces Tecum.

Thank you for your assistance.

Very truly yours,

*Norman R. Stone, III*  
Norman R. Stone, III

NRS,III:slh  
Enclosures

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCES  
E/S of Evergreen Rd., 140'  
S of the Centerline of Bear  
Creek Dr. (1701 & 1703 Ever-  
green Dr.), 12th District  
JOHN L. BUTLER, et ux,  
Petitioners

\* BEFORE THE ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 85-143-SPH

TO: EDITH REISSER  
1700 EVERGREEN DRIVE  
BALTIMORE, MARYLAND 21222  
BALTIMORE COUNTY

Your are hereby subpoenaed to testify on behalf of the  
Petitioners on November 19, 1985 at eleven o'clock a.m.; you  
are directed to appear at that time before Arnold Jablon, Zoning  
Commissioner for Baltimore County, Room 106, County Office  
Building, Towson, Maryland, 21204.

*Arnold Jablon*  
Arnold Jablon, Commissioner

Subpoena Requested By:  
Norman R. Stone, Jr., Esquire  
HOWARD and STONE  
6905 Dunmanway  
Dundalk, Maryland 21222  
Telephone: 284-2860  
288-5270  
Attorneys for Petitioners

RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCES  
E/S of Evergreen Rd., 140'  
S of the Centerline of Bear  
Creek Dr. (1701 & 1703 Ever-  
green Dr.), 12th District  
JOHN L. BUTLER, et ux,  
Petitioners

\* BEFORE THE ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 85-143-SPH

TO: DIRECTOR, BALTIMORE COUNTY DEPARTMENT OF PERMITS AND LICENSES  
BUILDING PERMITS SECTION  
COUNTY OFFICE BUILDING  
TOWSON, MARYLAND 21204  
BALTIMORE COUNTY

Your are hereby subpoenaed to appear on November 19, 1985 at  
eleven o'clock a.m., before Arnold Jablon, Zoning Commissioner,  
Room 106, County Office Building, Towson, Maryland, 21204, on  
behalf of the Petitioners, and are directed to have then and there  
with you, for use by Petitioners at the hearing, all permits issued  
since 1962 for building, construction, addition, etc., for the property  
known as 1703 Evergreen Drive, Baltimore County, Maryland, 21222,  
a.k.a. lots 426 and 427, Plat of Rosewald Beach.

You may send a representative with the above items in your  
place if unable to attend in person.

*Arnold Jablon*  
Arnold Jablon, Commissioner

Subpoena Requested By:  
Norman R. Stone, Jr., Esquire  
HOWARD and STONE  
6905 Dunmanway  
Dundalk, Maryland 21222  
Telephone: 284-2860  
288-5270  
Attorneys for Petitioners

85-114  
LAW OFFICES  
HOWARD AND STONE  
PROFESSIONAL BUILDING  
6905 DUNMANWAY  
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD  
NORMAN R. STONE, JR.  
NORMAN R. STONE, III

TELEPHONES:  
(301) 284-2860  
(301) 288-5270

November 14, 1985

Mr. Arnold Jablon, Zoning Commissioner  
Baltimore County Office of  
Planning and Zoning  
Towson, Maryland 21204

RE: Petition for Special Hearing & Variances  
E/S Evergreen Road, 140' S of c/l of  
Bear Creek Dr. (1701 & 1703 Evergreen Dr.)  
John L. Butler, Jr. - Petitioner  
Case No. 85-143-SPH

Dear Mr. Jablon:

I have received notice that the above reference zoning matter has been  
set in for hearing on Monday, November 19, 1984 at 10:45 a.m.

Inasmuch as the Annual Leadership Briefing has been scheduled for  
November 19, 1984, beginning at 8:45 a.m., I respectfully request that the above  
referenced matter be continued in accordance with the Maryland Annotated Code,  
Courts Article, sec. 6-402.

Thank you for your assistance.

*Norman R. Stone, Jr.*  
Norman R. Stone, Jr.

NRS,JR:slh  
cc: Phyllis Cole Friedman, People's  
Counsel for Baltimore County  
Peter Max Zimmerman, Deputy  
People's Counsel  
Room 223, Court House  
Towson, Maryland 21204

85-170  
LAW OFFICES  
HOWARD AND STONE  
PROFESSIONAL BUILDING  
6905 DUNMANWAY  
DUNDALK, MARYLAND 21222

CHARLTON T. HOWARD  
NORMAN R. STONE, JR.  
NORMAN R. STONE, III

October 1, 1985

Mr. Arnold Jablon, Zoning Commissioner  
Baltimore County Office of  
Planning and Zoning  
Towson, Maryland 21204

RE: Petition for Special Hearing & Variances  
E/S Evergreen Road, 140' S of c/l of  
Bear Creek Dr. (1701 & 1703 Evergreen Dr.)  
John L. Butler, Jr., Petitioner  
Case No. 85-143-SPH

Dear Mr. Jablon:

I understand that the above matter is now being reset for hearing.

Due to my schedule, it is respectfully requested that the hearing  
be scheduled no earlier than November. If possible, it would be greatly  
appreciated if your secretary would contact my office so that we may  
schedule an agreed date, thereby avoiding the need for any further date  
changes due to schedule conflicts.

Thank you for your assistance in this matter.

*Norman R. Stone, Jr.*  
Norman R. Stone, Jr.

NRS,JR:slh

85-1159  
85-1159  
85-1159  
LAW OFFICES  
HARDWICK, TRIPODA & HARRIS  
LAW BUILDING  
15 GULFORD AVENUE  
BALTIMORE, MARYLAND 21202

AREA CODE 301  
727-1008

November 19, 1984

Baltimore County Office  
of Planning and Zoning  
111 W. Chesapeake Ave., Room 109  
Towson, Maryland 21204

Re: Petition for Variance  
No. 85-143

Gentlemen:

This case was to have been heard on November 19,  
1984, but was postponed.

Please advise me of the new hearing date.

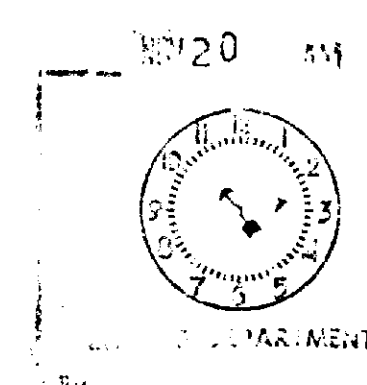
Very truly yours,

*Jack L. Hardwick*  
Jack L. Hardwick

JLH:lkc

cc: Norman R. Stone, III, Esq.  
6905 Dunmanway (21222)

Mr. L. Leroy Batton  
8300 Orchard Drive (21222)



VIOLATION CASE FILE  
MEMORANDUM

CASE NO.: 85-143-SPH

DATE: 11/19/84

CONVERSATION:  
IN-PERSON  
TELEPHONE XX

INDIVIDUAL(S) INVOLVED:

*Henry Batton's for*  
*Edwin [unclear]*

SUBJECT DISCUSSED:

*Referred Mr. Batton's for that case for*  
*Monday, 11/19/84, hearing postponed*

*Edwin*

FEB 24 1987



Date \_\_\_\_\_ Time \_\_\_\_\_

**WHILE YOU WERE OUT**

M \_\_\_\_\_

From \_\_\_\_\_

Phone No. \_\_\_\_\_

TELEPHONED	URGENT
PLEASE CALL	WANTS TO SEE YOU
WILL CALL AGAIN	CAME TO SEE YOU
RETURNED YOUR CALL	

Message Yany Batten

Re: 8300 Bethesda Dr.

Re: 8/21/84

NOTICE OF HEARING

Operator \_\_\_\_\_

DATECOM 958

85-143-SPEA

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
18th day of September, 1984.

Arnold Jablon  
Zoning Commissioner

Received by Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee

Petitioner John L. Butler, Jr., et ux  
Petitioner's Attorney Norman Stone

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

Arnold Jablon  
TO: Zoning Commissioner  
Date: November 2, 1984

Norman E. Gerber, Director  
FROM: Office of Planning and Zoning

No. 85-143-SPEA  
SUBJECT: John L. Butler, Jr., et ux

In view of the subject matter of this request, this office offers no comment.

Norman E. Gerber  
Norman E. Gerber, Director  
Office of Planning and Zoning

NBG/JGH/sf

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

November 13, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

ooo

Nicholas B. Commodari  
Chairman

Norman Stone, Esquire  
6905 Dunmanway  
Dundalk, Maryland 21222

RE: Case No. 85-143-SPEA (Item No. 71)  
Petitioner - John L. Butler, Jr., et ux  
Special Hearing and Variance Petition

Dear Mr. Stone:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211

NORMAN E. GERBER  
DIRECTOR

Re: Zoning Advisory Meeting of 9-18-84  
Item # 71  
Property Owner: John L. Butler, Jr., et ux  
Location: 814 Evergreen Rd.  
S of Bear Creek Drive

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- ( ) A County Review Group Meeting is required.
- ( ) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ( ) A record plat will be required and must be recorded prior to issuance of a building permit.
- ( ) The access is not satisfactory.
- ( ) The circulation on this site is not satisfactory.
- ( ) The parking arrangement is not satisfactory.
- ( ) Parking calculations must be shown on the plan.
- ( ) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ( ) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-88 of the Development Regulations.
- ( ) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ( ) The amended Development Plan was approved by the Planning Board on \_\_\_\_\_.
- ( ) Landscaping should be provided on this site and shown on the plan.
- ( ) The property is located in a deficient service area as defined by Bill 178-79. No building permits may be issued until a Deficient Capacity Use Certificate has been issued. The deficient service is \_\_\_\_\_.
- ( ) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ( ) Additional comments: \_\_\_\_\_

Eugene A. Bobe  
Eugene A. Bobe  
Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

October 8, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 66, 67, 68, 70, and 71 ZAC Meeting of September 18, 1984  
Property Owner: \_\_\_\_\_  
Location: \_\_\_\_\_  
Existing Zoning: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

Acres: \_\_\_\_\_  
District: \_\_\_\_\_

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 66, 67, 68, 70, and 71.

Michael S. Flanagan  
Michael S. Flanagan  
Traffic Engineering Assoc. II

MSF/can

BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINKE  
CHIEF

September 27, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: John L. Butler, Jr., et ux

Location: E/S Evergreen Road 140' S. from c/l Bear Creek Drive

Item No.: 71 Zoning Agenda: Meeting of 9/18/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: George M. Hagan  
REVIEWED: George M. Hagan Approved: George M. Hagan  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb

BALTIMORE COUNTY  
TOWSON, MARYLAND 21204  
494-3610

TED ZALESKI, JR.  
DIRECTOR

September 20, 1984

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 71 Zoning Advisory Committee Meeting are as follows:

Property Owner: John L. Butler, Jr., et ux  
Location: E/S Evergreen Road 140' S. from c/l Bear Creek Drive  
Existing Zoning: R.R. 5.5  
Proposed Zoning: Special Hearing to approve a non-conforming use of three dwellings (two separate tax accounts) on one lot or two dwellings on one lot.

Acres: 50 x 125

District: 12th.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1961/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged and other applicable Codes.
- B. A building/\_\_\_\_\_ permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A fire wall is required if construction is on the lot line, see Table 401, line 2, Section 401 and Table 402, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section 4.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

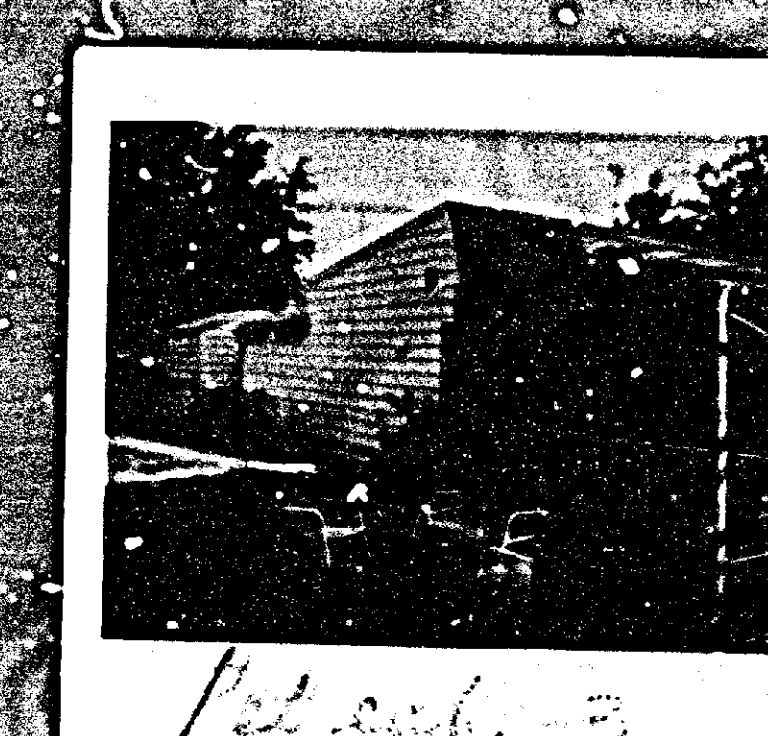
(X) Comments - In the years of November 1956 to June of 1972 the Baltimore County Building Code was effective. Section 402.2, paragraph (d) on Page 34 of Part Four prohibited walls parallel to interior property lines within 3 feet from any openings. An exception to this would be Section 103.1 of the 1981 Baltimore County Building Code as amended by Bill 4-82, Section 103.1

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

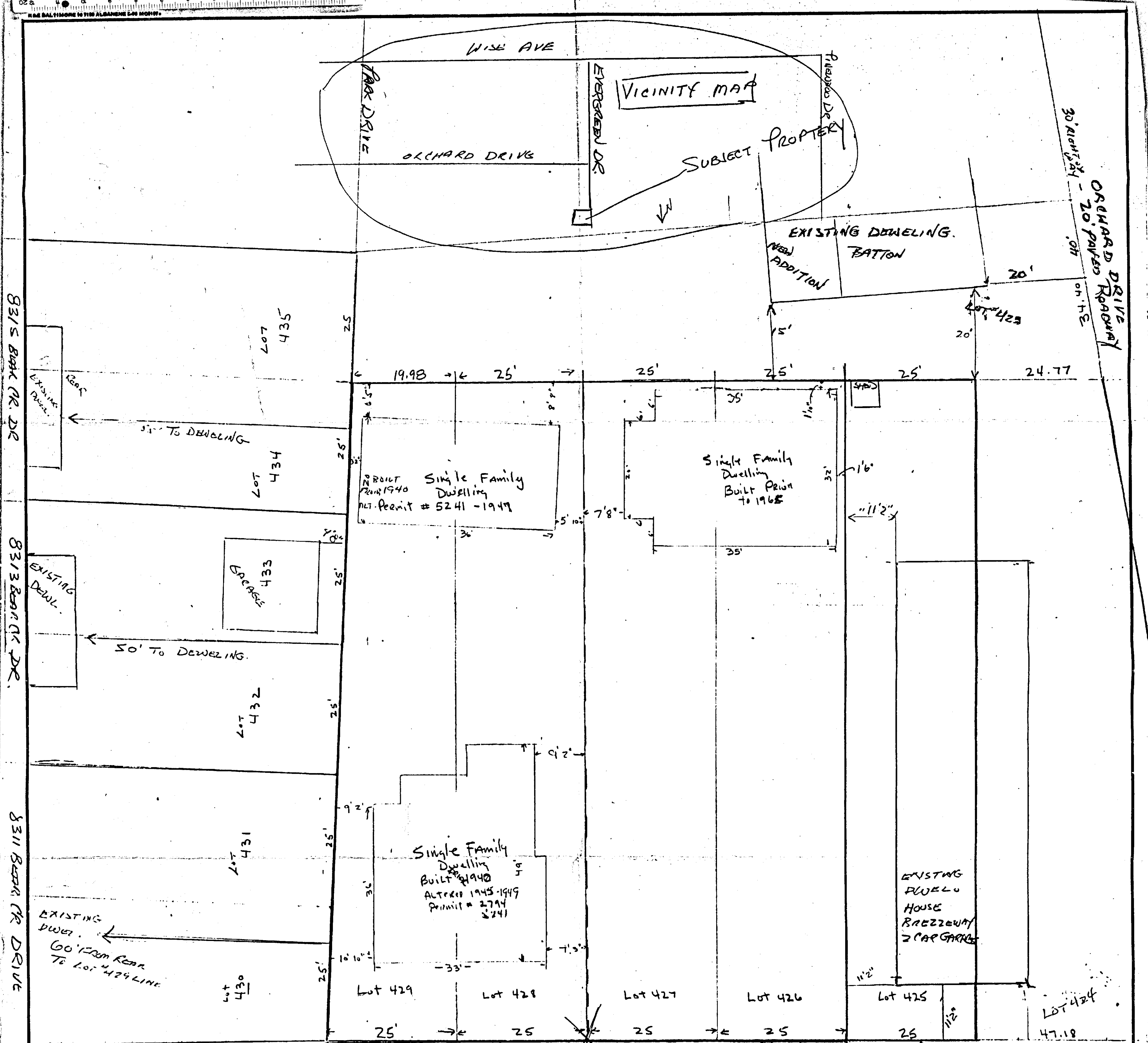
Very truly yours,

Charles E. Burman  
Charles E. Burman, Chief  
Plans Review

CEB:es







MAP NO. 104  
ELECTION DISTRICT 12  
DATE 8/23  
TYPE SRA  
DRAWN BY  
BY  
FINAL

PLAT FOR ZONING VARIANCE  
OWNER JOHN - AUGUSTA BUTLER  
SRA DIVISION ROSEWALD BARRON  
LOT 426 427 428 429  
MAP 104 BLOCK 13  
LIBER 1389 FOLIO 0457  
SCALE 1" = 10'

12th Election District.  
R-5.5 ZONING

EXISTING UTILITIES  
IN EVERGREEN DR.  
ALL UTILITY ARE IN  
STREETS.

FILE NO.	N-I-N-E, Inc. ODENTON, MD. 21113	
REVISIONS	ORDER NO.	CUSTOMER
	DESIGNER	JOB
	DRAWN BY	ADDRESS
	APPROVED	
SCALE		IMPORTANT All dimensions shown are subject to verification. All orders must be accompanied by an approved copy of this drawing.
		SHEET